



## *Report to the Auburn City Council*

Action Item 12 Agenda Item No.
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City Manager's Approval <i>[Signature]</i>
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**To:** Mayor and City Council  
**From:** Councilman Kevin Hanley  
**Date:** May 11, 2009  
**Subject:** Proposed Resolution, By Councilman Hanley, Regarding  
American River Rafting and Nudity Regulations

### *The Issue*

Shall the City Council adopt the attached resolution "Ensuring That Families Can Fully Enjoy The American River"?

### *Conclusion and Recommendation*

That the City Council adopt the attached resolution "Ensuring That Families Can Fully Enjoy The American River".

### *Background*

The recent opening of additional stretches of the American River has revealed a problem that needs to be dealt with. The use of previously secluded beaches by nudists and the various Internet sites that advertise the river for nudists is fundamentally incompatible with the city's goal of encouraging more families to go rafting on the American River and visit our business districts in the City of Auburn.

I was disappointed by comments made in the press by Superintendent Jay Galloway in 2008, the chief parks department official for the Auburn State Recreation Area, that essentially the law against nudity in state parks will not be enforced because of budget cuts. It is not clear that rangers will investigate citizen complaints about nudity along the American River. We think that it is reasonable to expect that individuals and families with children taking a rafting trip down the river will not have to suddenly shield their eyes because of the presence of one or more nudists on the shoreline. There should be no "clothing-optional" beaches along the main river runs.

As reported in an 5/7/09 article in the *Auburn Journal*, "River Sex Spot Caught in 'Net,'" the American River is becoming a known as a "great place for open-air sexual

encounters.” I believe that the City Council should express its objection to this situation and urge the state to take action.

I have offered a resolution urging Superintendent Galloway to enforce the state law prohibiting nudity along those areas of the river where boaters and rafters are expected to travel.

**Alternatives**

Amend Resolution

Deny Resolution

**Fiscal Impact**

None.

**Attachments**

Resolution In Support Of Ensuring That Families Can Fully Enjoy The American River

RESOLUTION NO. 09-  
RESOLUTION IN SUPPORT OF ENSURING THAT FAMILIES CAN FULLY  
ENJOY THE AMERICAN RIVER

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**WHEREAS,** The \$72 million taxpayer-funded project by the Placer County Water Agency to build a permanent pump station, close the Auburn dam diversion tunnel and restore the American River has opened up additional stretches of the river to boaters and rafters.

**WHEREAS,** The opening up of additional stretches of the American River has the potential to attract many more individuals and families to enjoy boating and rafting as a fun recreational activity and to shop in the City of Auburn.

**WHEREAS,** The *Auburn Journal* reported in a May 13, 2008 article, "Since access to the stretch was opened two weeks ago, the boating public is getting a sometimes uncomfortable eyeful as they paddle past nude beach areas on the shore."

**WHEREAS,** The *Auburn Journal* reported in the same article that a number of Internet sites are promoting the American River near Auburn as a destination for nudists.

**WHEREAS,** The *Auburn Journal* reported in a May 7, 2009 article, "Craigslist is spreading the word over the Internet that a stretch of the American River recently reopened to boaters near Auburn is a great place for open-air sexual encounters."

**WHEREAS,** State law, as expressed in Title 14, Section 4322, prohibits any person from appearing nude while in any unit except in authorized areas set aside for that purpose by the Department of Parks and Recreation.

**WHEREAS,** The *Auburn Journal* reported that "a state parks department official said that there is little the department is doing about unclothed beach-goers because of current policies and the lack of manpower to enforce nudity regulations."

**WHEREAS,** The lack of enforcement of state law banning nudity in state park areas will discourage families, particularly those with children, from boating and rafting down the American River near Auburn and discourage them from visiting the City of Auburn.

**NOW, THEREFORE , BE IT RESOLVED** by the Auburn City Council of Auburn California, assembled in a general meeting, submit a resolution to Superintendent Jay Galloway, chief parks department official for the Auburn State Recreation Area, petitioning the Superintendent and state park rangers to actively work to help ensure that families can fully enjoy and have fun boating and rafting on the American River by making it absolutely clear that Section 4322 will be enforced on those sections of the river where boaters and rafters are likely to use the river.

DATED: July 14, 2008

